

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION

United States

v.

CHANDLER MOORE,
DEFENDANT

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Case Number: 3:18-CR-00057-CAR

Charges: Drug-Related

**JOINT MOTION TO CONTINUE TRIAL BY DEFENDANT AND
GOVERNMENT**

COMES NOW Defendant, by and through his attorney of record, M. Eric Eberhardt, and files this Joint Motion for Continuance. In support of said Motion, Defendant shows the following:

1.

The above-stated case is set for a pre-trial hearing on October 9, 2019 in Athens, Georgia and trial on October 15, 2019 in Athens, Georgia.

2.

On February 14, 2019, a federal superseding indictment was returned and filed in the above-referenced case that added defendant Chandler Moore ("Defendant") to this case which was previously pending against other defendants. The indictment charges Defendant as an additional party to Conspiracy to Commit Felony Drug-related offenses. Counsel for Defendant was appointed on March 19, 2019 to represent Defendant.

3.

Counsel for Defendant states that from the outset of his representation Defendant has experienced health-related issues that have made it difficult for Defendant and Counsel to meet with one another and for Defendant to engage in the process of making decisions

regarding his case. Counsel for Defendant has spoken with the Government about plea options and believes that a plea resolution is a high probability in Defendant's case but does not know feel that Defendant is in a state either to address his case or make knowing and voluntary decisions regarding his case at this time. Counsel certainly does not believe that Defendant is in a state to effectively assist in the defense of the case were it to go to trial.

4.

As support for these positions, Counsel for Defendant, in his place as an officer of this Court, states that within the past 24 hours he received correspondence (which has been shared with the Government) from a physician who practices in East Tennessee indicating (1) Defendant is a patient of the doctor, (2) Defendant was seen this week and exhibits signs of laboring under an infectious disease for which more diagnostics and testing is required and recommended, and (3) based on his present health status, Defendant should not travel until more is known and therapy can be established for his compilation of symptoms. To Counsel's knowledge, Defendant does reside in East Tennessee; and it will be necessary for him to travel from there to Athens, Georgia to both meet with Counsel and attend any court proceeding related to this case.

5.

Defendant submits that it is in the interest of justice to continue the case in light of Defendant's health issues as well as the prospect the case may be resolved without a trial once (and if) the issues resolve to a point Defendant may effectively engage in his case and that these considerations outweigh the interests of Defendant and the public in a speedy trial, pursuant to 18 U.S.C. § 3161(h)(7).

6.

Additionally, Counsel for the Government has authorized counsel for Defendant to state that Defendant and the Government are in agreement on this Motion for Continuance,

that she has no objection to the case being continued to the January 2020 term, and that this Motion may be filed as a joint motion by Defendant and the Government.

WHEREFORE, the parties move that the trial of this case be continued from the October 2019 Athens Division term to a subsequent term, with the additional request that it be no earlier than the January 2020 Athens Division trial term.

RESPECTFULLY submitted this 3rd day of October, 2019.

s/M. Eric Eberhardt
EBERHARDT & HALE, LLP
M. Eric Eberhardt
Attorney for Defendant
Georgia Bar No. 238201

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CERTIFICATE OF SERVICE

I, **M. Eric Eberhardt**, Attorney for Daniel McCullough, do hereby certify that I have this day served the foregoing DEFENDANT'S MOTION TO CONTINUE TRIAL upon the following individuals by electronic filing through the Court's CM/ECF System which will automatically send email notifications of such filing to the following:

Tamara Jarrett, AUSA
United States Attorney's Office
Post Office Box 1702
Macon, Georgia 31202

This 3rd day of October, 2019.

s/M. Eric Eberhardt
EBERHARDT & HALE, LLP
M. Eric Eberhardt
Attorney for Defendant
Georgia Bar No. 238201